



**EXAMINING BOARD OF PSYCHOLOGY
MEETING MINUTES**

February 29, 2008

LOCATION: **Everett Events Center
Conference Room 2
2000 Hewitt Avenue
Everett, Washington 98201**

BOARD MEMBERS PRESENT:
Thomas Wall, Ph.D., Chair
Carol Pahlke, Ph.D., Vice-Chair
Ray Harry, Public Member
Christine Guzzardo, Ph.D.
Benjamin Johnson, Psy.D.
Timothy Cahn, Ph.D.
Jorge Torres-Saenz, Psy.D.
Decky Fiedler, Ph.D.

STAFF PRESENT: Karen Kelley, Deputy Executive Director
Leslie Magby, Acting Program Manager
Judy Young, Staff Attorney
Miranda Bayne, Staff Attorney

AAG PRESENT: Mark Calkins, Assistant Attorney General (AAG)

On February 29, 2008 the Examining Board of Psychology (Board) met in Everett, Washington at the Everett Events Center, Everett, Washington 98201, in accordance with the Open Public Meetings Act. The meeting agenda was e-mailed to members of the Examining Board of Psychology Listserv.

OPEN SESSION

1. CALL TO ORDER – Thomas Wall, Ph.D., Chair 9:25 AM

1.1 The agenda was approved with the following amendments:

- Item 6 – Public Comment was moved to follow Item 3.
- Item 12 – Acceptable Continuing Education Course in Ethics was removed and will be placed on the next agenda.

1.2 The meeting minutes from January 18, 2008 were approved with the following amendments:

- Item 7.2 – Language was changed to reflect delegation of “only certain decision making to department staff.”
- Item 7.3 – Language was changed to “the board approved” rather than “Betty Moe and Leslie Magby will review.”

2. MANAGER REPORTS

2.1 Leslie Magby presented current licensing statistics to board members.

Credentialing Statistics-February 29, 2008

Active	1,750
Military	5
Retired Active	90
Expired	899
Retired	90

2.2 Karen Kelley discussed the current budget with board members. The February interim report indicated a current balance of \$315,973.

2.3

2.3a Karen Kelley discussed the current Registered Counselor (RC) legislation. The RC legislation is sponsored by the Governor, and would create eight new categories for private practice counselors, abolishing the RC credential. The new legislation would require an AA degree for “Certified Advisors” and a Bachelor’s degree or equivalent for “Certified Counselors.” There will be an audit of the entire counselor category in December 2011 to reexamine the ration of unprofessional conduct.

2.3b Mark Calkins provided an update on House Bill (HB) 1103. The fourth version of the bill passed unanimously in the House. HB 1103 calls for four pilot projects for commissions, giving them more autonomy. Other provisions to the bill include funding changes, and increased federal background checks that would require the department to implement a fingerprinting process. HB 1103 can potentially change the restructure of the department that is currently taking place. Dr. Homans, Washington State Psychological Association, mentioned the language in section seven of HB 1103 is currently being reviewed to determine if it can mirror the language from the mandatory reporting rules. The Washington State Psychological Association feels the language in the mandatory reporting rules is much better than the current language in HB 1103.

2.4 Karen Kelley discussed current disciplinary statistics with board members.

3. RULES HEARING

10:40 AM

WAC 246-924-070 Psychologists Written Examination, WAC 246-924-090- Repeal, Psychologists Oral Examination, WAC 246-924-095 Failure of Oral Examination, WAC 246-924-100 Qualifications for granting of license by endorsement, WAC 246-924-150 Certificates of Qualification--Procedure for additional areas of function, WAC 246-924-160 Continued supervision of persons receiving certificates of qualification, and WAC 246-924-480 Temporary Permits, New Section WAC 246-924-495 Qualifications for granting a license.

Dr. Wall led a rules hearing on the above mentioned rules. The rules hearing began at 10:40 AM. This rules hearing was held in response to Engrossed Substitute Senate Bill (ESSB) 6554, which eliminated barriers to health professional licensing. The passing of ESSB 6554 in 2004 gave the Examining Board of Psychology (board) flexibility in the types of examination required for licensure. The board has determined that the oral examination required for psychology licensure is not an appropriate tool to measure a candidate's knowledge, skill, or ability to practice psychology. Instead, the board decided a written jurisprudence examination should be the licensure requirement. The rule sections pertaining to the oral examination must be amended to include the jurisprudence examination and remove references to the oral examination. No written or oral comments were received regarding the proposed rules. Ray Harry moved to adopt the proposed rules set forth in the CR102. The motion passed. The board adopted the rules February 29, 2008. The rule hearing closed at 10:45 AM.

4. PUBLIC COMMENT

Nicole Cole, current Psy.D. student at Argosy University asked for clarification regarding section 1(d) of WAC 246-924-059 - Post-doctoral supervised experience. Section 1(d) states: "Services rendered by the supervisee must not be represented to third parties as having been rendered by the supervisor. Insurance forms must be filled out indicating the nature of the supervisory relationship."

Dr. Cahn explained that in the past there has been a problem with supervisors billing services under their name when the services were actually provided by supervisees. Mark Calkins confirmed this section was necessary in order to divert misrepresentation. Nicole Cole wanted to know whether you could bill services under another license, such as a licensed social worker. Mark Calkins advised that this is possible as long as disclosure to the client is made that the services being provided are as a "supervisee," as part of your post-doctoral supervised experience. If services are billed under another license, compliance still must be met under all provisions listed in WAC 246-924-059.

Nicole Cole asked for consideration to move the effective date of the new rules from September 1, 2009 to a later date. Board members explained the date was chosen based on requests from Argosy University students during the rule-making process.

5. EXAMINING BOARD OF PSYCHOLOGY SUB-COMMITTEES

Board members broke into sub-committees to review the status of current projects. The following sub-committees had information to report to board members:

SUB-COMMITTEES

The **Training-Licensee Orientation Sub-Committee** provided feedback from the orientation held on February 28, 2008. About 65 psychologists attended the orientation. The major complaint was that there was no coffee or tea provided at the orientation and no advanced warning. Karen Kelley thought it was due to an internal policy, that we have not been able to provide coffee at orientations in the past. Mark Calkins disagrees that the department cannot provide refreshments at an orientation. Mr. Calkins said this issue has been reviewed by the Solicitor General's Office and was not found to be in violation of gifting of public funds. Mark Calkins commented that the board was not taking advantage of an option available. Dr. Wall delegated the final decision to the sub-committee. The discussion will be continued at the next meeting. **ACTION:** Leslie Magby will provide a recap of the total expenses of the orientation at the next meeting.

Attendees also commented that they would have liked the actual outcomes of the cases presented, accompanied with the statutes and rules that applied to each case. Comments from attendees also included wanting examples of record keeping. Ray Harry mentioned that the board members' roles are not to give licensees specifics.

Dr. Johnson felt there should be time to process questions from the audience first, rather than answering right then on the spot.

The **Examination Sub-Committee** reported that out of the twelve people who took the jurisprudence examination on December 21, 2007, five people missed the same question.

Dr. Wall and Dr. Guzzardo are in the process of developing a new policy for approving accommodation requests for the EPPP and jurisprudence examination. Board members agreed to proceed developing the policy, using Professional Examination Service (PES) and Americans with Disabilities Act (ADA) guidelines.

The **Ethics & Standards of Practice Sub-Committee** reported that they are being cautious and looking at Washington State statutes to determine what might be missing in current ethical standards. There are items from the American Psychological Association (APA) that should be incorporated.

6. CONTINUED DISCUSSION OF RCW 18.83.200(6)

RCW 18.83.200(6) states that any person who has received a doctoral degree from an accredited institution of higher learning with an adequate major in sociology or social psychology as determined by the board and who has passed comprehensive examinations in the field of social psychology as part of the requirements for the doctoral degree. Such persons may use the title "social psychologist" provided that they file a statement of their education with the board.

The board reviewed supporting documentation for Gary Namie's request to use the title "social psychologist." Ray Harry moved to send a request directly to Daphne Bugental, Chair, Department of Psychology at the University of California, Santa Barbara, for a signed copy of the supporting documentation. The motion passed. **ACTION:** Leslie Magby will send a request directly to Daphne Bugental, for a signed copy of the supporting documentation. Upon receipt of the signed documentation, Gary Namie's request to use the title "social psychologist" will be approved.

(Lunch was provided to members of the board.)

7. ASSISTANT ATTORNEY GENERAL (AAG) REPORT – Mark Calkins, AAG

- 7.1 Board members discussed WAC 246-924-357 – Multiple Relationships. Is it possible for someone to do an internship with the Department of Corrections? They want to fill a job as a Master's level therapist, and use the position as an internship. Does this constitute a dual relationship, employee/supervisor, and student/supervisor?

Mark Calkins advised that the internship does not constitute a dual relationship. A dual relationship would be an individual providing treatment to a client, which is not the language in this case.

- 7.2 Board members discussed RCW 18.83.200 – Exemptions. Is it possible for an unlicensed member of clinical psychology graduate faculty to provide supervision to Ph.D. clinical psychology students who are completing required practica as part of their education?

According to Mark Calkins, it is possible for an unlicensed member of clinical psychology graduate faculty to provide supervision to Ph.D. clinical psychology students who are completing required practica as part of their education. Mark Calkins stated that the scope of practice for psychology appears not to expressly talk about supervising students. Ethics only apply to licensed psychologists and RCW 18.83.200 does not address the issue of psychological services being properly provided. The rules do not specify practicum.

ACTION: The Ethics & Standards of Practice Sub-Committee will look into this matter.

- 7.3 Board members discussed new licensure requirements effective September 1, 2009. Do applicants have to complete a pre-internship or post-doctoral work experience? What if a student could earn their 3,300 hours with only the practicum and internship?

WAC 246-924-049 defines practicum requirements. WAC 246-924-053 defines preinternship requirements. WAC 246-924-049 requires 300 hours of direct experience as a practicum. Nicole Cole explained that Argosy University students obtain 900 hours additionally in their practicum and wanted to know whether those additional hours could be counted towards the preinternship requirements. It is up to the educational programs to define a preinternship, while being compliant with WAC 246-924-053. A student cannot start counting hours towards their preinternship until the practicum requirements have been met, as listed in WAC 246-924-049. As stated in WAC 246-924-043, applicants must complete a practicum and internship.

WAC 246-924-043, subsection c(i), states: “a minimum of 1500 hours of supervised experience that must be completed as an internship experience as outlined in WAC 246-924-056.” Subsection c(ii) of WAC 246-924-043 states: “the remaining 1500 supervised hours may be obtained through...” The question arose if the language “remaining” meant an applicant can only obtain 1500 hours in their internship. The answer is no. The rule was intended to mean hours beyond the 1500 are applicable. Board members agreed the rule should be interpreted. Ray Harry moved to adopt an interpretive policy, written by Mark Calkins at the next meeting. The motion passed. **ACTION:** Mark Calkins will write an interpretive policy regarding WAC 246-924-043 to allow internship hours above the 1,500 minimum hours to count towards the remaining supervised hours required for licensure. Dr. Torres-Saenz will bring this up at the Association of State and Provincial Psychology Boards (ASPPB) meeting and compare with others.

8. CONSENT AGENDA

The items listed under the consent agenda (informational items) are considered routine agency matters and were approved by a single motion of the board without separate discussion.

- 8.1** February issue of “The Sentinel News for Department Employees.”
- 8.2** “We Aspire” Health Professions Quality Assurance January 2008 monthly report.
- 8.3** Department of Health “Top Accomplishments for 2007.”
- 8.4** The Trowbridge Foundation Report Vol. X, Issue 1, Winter 2008.

No items were removed from the consent agenda for discussion.

9. RULES UPDATES

Mandatory Reporting Rules – These proposed rules require mandatory reporting of unprofessional conduct or inability to practice with reasonable skill or safety. There will be a rules hearing on March 12, 2008 at 9:00 AM at Department of Health, in Tumwater. Dr. Cahn feels the rules make it better for psychologists in practice. Mark Calkins advised board members that they can provide written comment on the rules either collectively as a board or individually. Board members agreed they would submit comments individually.

10. ONE DAY RETREAT DISCUSSION – Thomas Wall, Ph.D., Chair

Board members discussed possible dates for a retreat in the Fall. Board members agreed on October 31, 2008 as the date for the retreat. Board members are looking at facilities with no cost such as Argosy University or Seattle Pacific University, for the retreat location. **ACTION:** Dr. Wall and Leslie Magby will coordinate the details of the retreat together.

**11. FEDERATION OF ASSOCIATIONS OF REGULATORY BOARDS (FARB)
CONFERENCE FOLLOW-UP – Thomas Wall, Ph.D., Chair**

Dr. Wall attended the FARB conference January 25-27, 2008 in Santa Fe, New Mexico. He said there were 250 people in attendance at the conference, most of which were lawyers. Dr. Wall mentioned the need for the jurisprudence examination to be protected and recommended the examination questions be copyrighted. **ACTION:** Mark will look into the process for copyrighting information. Ray Harry explained that there are current security protections for the jurisprudence examinations and is comfortable with the level of security maintained by the department. Dr. Wall encouraged that another board member attend the next FARB conference.

12. BOARD MEMBERS WILL DISCUSS CHOOSING EVALUATORS FOR ORDERS – Jorge Torres-Saenz, Psy.D.

Dr. Torres-Saenz developed criteria to use for a more systematic approach to choosing evaluators for orders. The department used to keep a list of qualified evaluators but the lists frequently become outdated. Staff attorneys keep informal lists and may be able to provide suggestions for evaluators. Mark Calkins suggested to board members that when making disciplinary sanctions to think in advance, tailoring details such as location, etc. Ray Harry moved to adopt that the criteria be used in identifying a third-party evaluator. Board members voted and there were 3 yeas and 4 nays. The motion was defeated. The discussion will be continued at the next meeting.

14. AD-HOC MEMBER DISCUSSION

Board members discussed the possibility of having a student of psychology voluntarily serve on the board as an ad-hoc member. The ad-hoc member would only represent the voice of constituency and would have no voting power. Dr. Wall knows an attorney who almost has her Ph.D. who could bring programs' perspectives to the board. Dr. Torres-Saenz argued against having an ad-hoc member due to other positions not being represented and decisions are still being made. Ray Harry suggested another approach would be for the educational programs offering degrees in psychology to select a representative to attend the meetings.

15. FUTURE AGENDA ITEMS – Thomas Wall, Ph.D., Chair

Future meeting agenda items were discussed.

CLOSED SESSION

16. CASE PRESENTATIONS & CONTINUING EDUCATION AUDIT REVIEWS

16.1 Board members broke into panels to discuss and determine whether the cases presented should be investigated, closed, or moved to the informal or formal resolution process.

16.2 Board members broke into panels to review and determine whether continuing education materials submitted during the audit meet the continuing education requirements.

The next scheduled meeting dates for 2008:

- **April 11th** – Department of Health, 310 Israel Road, Point Plaza East, Room 152/153, Tumwater
- **May 23rd** – Department of Health, Kent
- **July 11th** – Tumwater
- **August 22nd** – Seattle
- **September 26th** – Department of Health, 101 Israel Road, Town Center 1, Room 163, Tumwater
- **November 14th** – Vancouver Area

The next scheduled orientation dates:

- **November 13th** – Vancouver Area

17. ADJOURNMENT – Thomas Wall, Ph.D., Chair

3:00 PM

Submitted by:

Leslie Magby, Acting Program Manager
Examining Board of Psychology

Approved by:

Thomas Wall, Ph.D., Chair
Examining Board of Psychology